

# SENATE BILL 968

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2lr3069  
CF 2lr3247

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By: **Senator Conway**

Introduced and read first time: February 15, 2012

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Residential Property Sales – Disclosure of Utility Consumption**

3 FOR the purpose of requiring a vendor of certain single family residential property to  
4 display or make available certain utility information under certain  
5 circumstances; requiring a vendor to make available certain utility information  
6 in a certain manner; authorizing a vendor to provide to prospective purchasers a  
7 certain home energy rating score; providing that this Act does not apply to  
8 certain sales or transfers of property; providing for the application of this Act;  
9 and generally relating to disclosure of utility consumption prior to the sale of  
10 single family residential property.

11 BY repealing and reenacting, without amendments,  
12 Article – Real Property  
13 Section 1–101(l) and (n)  
14 Annotated Code of Maryland  
15 (2010 Replacement Volume and 2011 Supplement)

16 BY adding to  
17 Article – Real Property  
18 Section 10–702.1  
19 Annotated Code of Maryland  
20 (2010 Replacement Volume and 2011 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Real Property**

24 1–101.

25 (l) “Purchaser” has the same meaning as buyer or vendee.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (n) "Vendor" has the same meaning as seller.

2 **10-702.1.**

3 (A) (1) THIS SECTION APPLIES ONLY TO SINGLE FAMILY  
4 RESIDENTIAL REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY  
5 UNITS.

6 (2) THIS SECTION DOES NOT APPLY TO:

7 (I) THE INITIAL SALE OF SINGLE FAMILY RESIDENTIAL  
8 REAL PROPERTY:

9 1. THAT HAS NEVER BEEN OCCUPIED; OR

10 2. FOR WHICH A CERTIFICATE OF OCCUPANCY HAS  
11 BEEN ISSUED WITHIN 1 YEAR BEFORE THE VENDOR AND PURCHASER ENTERED  
12 INTO A CONTRACT OF SALE;

13 (II) A TRANSFER THAT IS EXEMPT FROM THE TRANSFER TAX  
14 UNDER § 13-207 OF THE TAX - PROPERTY ARTICLE, EXCEPT LAND  
15 INSTALLMENT CONTRACTS OF SALE UNDER § 13-207(A)(11) OF THE  
16 TAX - PROPERTY ARTICLE AND OPTIONS TO PURCHASE REAL PROPERTY  
17 UNDER § 13-207(A)(12) OF THE TAX - PROPERTY ARTICLE;

18 (III) A SALE BY A LENDER OR AN AFFILIATE OR A  
19 SUBSIDIARY OF A LENDER THAT ACQUIRED REAL PROPERTY BY FORECLOSURE  
20 OR DEED IN LIEU OF FORECLOSURE;

21 (IV) A SHERIFF'S SALE, TAX SALE, OR SALE BY  
22 FORECLOSURE, PARTITION, OR COURT-APPOINTED TRUSTEE;

23 (V) A TRANSFER BY A FIDUCIARY IN THE COURSE OF THE  
24 ADMINISTRATION OF A DECEDENT'S ESTATE, GUARDIANSHIP,  
25 CONSERVATORSHIP, OR TRUST;

26 (VI) A TRANSFER OF SINGLE FAMILY RESIDENTIAL REAL  
27 PROPERTY TO BE CONVERTED BY THE BUYER INTO A USE OTHER THAN  
28 RESIDENTIAL USE OR TO BE DEMOLISHED; OR

29 (VII) A SALE OF UNIMPROVED REAL PROPERTY.

1           **(B) (1) AS PROVIDED IN THIS SUBSECTION, A VENDOR OF SINGLE**  
2 **FAMILY RESIDENTIAL REAL PROPERTY SHALL DISPLAY OR MAKE AVAILABLE TO**  
3 **PROSPECTIVE PURCHASERS AT THE LOCATION OF THE RESIDENTIAL REAL**  
4 **PROPERTY COPIES OF ELECTRIC, GAS, AND HOME HEATING OIL BILLS, OR A**  
5 **DOCUMENT DETAILING THE MONTHLY ELECTRIC, GAS, AND HOME HEATING OIL**  
6 **USAGE OF THE RESIDENTIAL PROPERTY, FOR THE 12-MONTH PERIOD BEFORE**  
7 **THE PROPERTY WAS FIRST MARKETED FOR SALE.**

8           **(2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF**  
9 **THIS SUBSECTION SHALL BE:**

10                   **(I) DISPLAYED OR MADE AVAILABLE DURING ANY**  
11 **SCHEDULED PERIOD OF TIME WHEN THE RESIDENTIAL PROPERTY IS HELD**  
12 **OPEN FOR PUBLIC VIEWING OR FOR VIEWING BY AN INDIVIDUAL PROSPECTIVE**  
13 **PURCHASER; AND**

14                   **(II) INCLUDED IN OR WITH ANY DOCUMENTS THAT INCLUDE**  
15 **DESCRIPTIONS OF THE RESIDENTIAL PROPERTY AND ARE MADE AVAILABLE TO**  
16 **A PROSPECTIVE PURCHASER AT THE LOCATION OF THE RESIDENTIAL**  
17 **PROPERTY.**

18           **(3) IN ADDITION TO THE INFORMATION REQUIRED UNDER**  
19 **PARAGRAPH (1) OF THIS SUBSECTION, A VENDOR MAY PROVIDE TO**  
20 **PROSPECTIVE PURCHASERS A HOME ENERGY RATING SCORE FROM A HOME**  
21 **ENERGY AUDIT OF THE RESIDENTIAL PROPERTY CONDUCTED DURING THE**  
22 **12-MONTH PERIOD BEFORE THE PROPERTY WAS FIRST MARKETED FOR SALE.**

23           **(4) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE**  
24 **VENDOR FROM MAKING UTILITY INFORMATION AVAILABLE TO PROSPECTIVE**  
25 **PURCHASERS IN A SALE LISTING ON THE MULTIPLE LISTING SERVICE.**

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
27 construed to apply only prospectively and may not be applied or interpreted to have  
28 any effect on or application to any single family residential property marketed for sale  
29 before the effective date of this Act.

30           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2012.